REMARKS

Claims 17-29, 37 and 44-54, all the claims pending in the application, are rejected. Claims 17, 25, 29 and 51 are amended. No claims are cancelled.

Claim Objections

The Examiner states that "Applicant's amendments in response to the objections set forth in the previous Office Action is not sufficient to overcome the objections with respect to claim 29 for informalities. The examiner maintains the objections, see objection below for guidance."

Subsequently, the Examiner states that "Claim 29 cites in the body of the claim 'authorising', which has been misspelled. Appropriate correction is required."

Applicants respectfully submit that the objection is moot because the word was deleted in the claim amendments filed in response to the first Office Action so this objection appears to have been maintained in error.

Claim Rejections - 35 USC § 102

Claims 17-20, 22-29 and 45-50 rejected under 35 U.S.C. 102(e) as being anticipated by US Pub No. 2006/0253392 Al by Davies (Davies). This rejection is traversed for at least the following reasons.

First, Applicants note that claims 17, 25, 29 and 51 are the only independent claims pending in the Application. The independent claims define two different embodiments of the system of the invention. Second, each of these embodiments, as now clarified, are distinguishable over Davies and, thus, are patentable for the reasons given below.

Embodiment 1 - Amended Claims 17 and 29

In the first embodiment of the invention defined in claims 17 and 29, a customer uses his/her communication device, such as a mobile phone, to pay for goods and services while at a retail outlet.

Claims 17 and 29 have been amended to clarify that, in the present invention, an indication that the payment is approved is provided to the receiver processor directly from the central facility. This feature is clearly disclosed in paragraph 81 of the original specification.

Amended Independent claim 17 defines the invention as:

A payment transaction system comprising:

at least one receiver processor each receiver processor being located at a retail outlet, and each receiver processor having

a receiver adapted to receive payment data from a communication device belonging to a consumer to enable payment to be made for goods or services,

an EPOS terminal coupled to the receiver, and

a store back office server having a store database, the store back office server being connected to the EPOS terminal;

a retailer processor having a communication transmission processor and a transaction payment database;

a first communication link connecting each receiver processor to the retailer processor;

a central facility having a payment approval processor and an account transaction payment database, the account transaction payment database maintaining a database of accounts relating to consumers, and the payment approval processor adapted to interrogate the database and determine whether a payment is to be approved or declined;

a second communication link for connecting the retailer processor to the central facility so that the payment data can be transmitted from the retailer processor to the payment approval processor, and for transmitting a signal back from the central facility to the retailer processor indicating that payment is approved to enable updating of the transaction payment database;

a third communication link for connecting the central facility with each receiver processor for enabling an indication of the approval of the payment to be transmitted from the central facility to the receiver processor so that the EPOS terminal is provided with an indication that payment is approved ***directly*** *from the central facility to enable a consumer to receive the goods or services relating to the payment.*

Amended Independent claim 29 defines the invention as:

A payment transaction method comprising:

receiving payment data to enable payment to be made for goods or services by a receiver processor having a receiver for receiving the payment data from a communication device belonging to a consumer, an EPOS terminal, and a store back office server having a store database;

providing the payment data by the receiver processor via a first communication link to a retailer processor having a communication transmission processor and a transaction payment database;

providing the payment data by the retailer processor to a central facility via a second communication link, the central facility having a payment approval processor and an account transaction payment database, the account transaction database maintaining a database of accounts relating to consumers;

interrogating the account transaction payment database by the payment approval processor and determining by the payment approval processor whether the payment is to be approved or declined;

transmitting a signal back from the central facility to the retail processor via the second communication link indicating that payment is approved;

updating the transaction payment database of the retail processor; and

transmitting an indication of approval of the payment from the central facility ***directly*** *to the receiver processor via a third communication link for connecting the central facility with the receiver processor so that the EPOS terminal is provided with an indication that the payment is approved to enable a consumer to receive the goods or services relating to the payment.*

According to the invention defined in claim 17 and claim 29, payment data is received by a receiver processor, provided at a retail outlet, from the user's communication device. The receiver processor has an EPOS terminal, and a store back office server having a store database.

The payment data is provided by the receiver processor to a retailer processor via a first communication link. The retailer processor transmits the payment data to a central facility which approves or declines the payment. The central facility transmits a signal back from the central facility to the retailer processor. The central facility also transmits an indication that the payment is approved directly to the receiver processor to enable to consumer to receive the goods or

services relating to the payment. This enables the payment approval to bypass any potential bottleneck at the retail processor.

This architecture is not disclosed or taught in Davies.

Davies

The system of Davies has a client device referred to as a Tagboard box located at each point of sale terminal (EPOS), there is no disclosure in Davies of the Tagboard box having a store back office server or store database. The Tagboard box is described in Davies as being a client device to provide a communication interface between a store EPOS terminal and a customer's mobile phone. The client Tagboard box device is associated with a Tagboard server device which provides all the functionality for verifying transactions and for external communication with finance facilities etc.

The Examiner appears to have equated the Tagboard server with both the claimed back office server of the receiver processor and the retail processor. This is only possible if the back office server and retail processor are a single server. This is not the architecture defined in claims 17 and 29.

The receiver processor and retail processor are deliberately separated in embodiments of the present invention to enable transaction approval indications to be forwarded directly to the receiver processor thus bypassing the retail processor and any potential bottlenecks the retail processor may cause. There is no disclosure in Davies of forwarding payment authorization requests from a receiver processor server to a retail processor which then provides payment data to a central facility for approval and, if approved an approval indication is sent by the central facility directly to the receiver processor so the customer can receive their goods.

In the system of Davies all financial transaction data is communicated via the Tagboard server and the Tagboard server functionality handles the approval process. There is no disclosure or suggestion in Davies of communication from a financial institution directly to the receiver processor, bypassing a retail processor, so that the EPOS terminal for the transaction is provided with an indication that payment is approved as quickly as possible to complete the transaction.

The system in Davies is described in relation to a single retail outlet having multiple Tagboard boxes all connected to a single Tagboard server which handles the transactions with financial institutions for payment approval and communication of payment approval is communicated via the Tagboard server to each Tagboard box. There is no disclosure or suggestion in Davies of routing transaction approval requests via a retail processor to a central facility and bypassing the retail processor for providing subsequent approval indications to the point of sale terminals.

The invention as claimed in claim 17 and 29 is therefore not anticipated or taught in Davies.

Dependent Claims 18-24, and 44-50

As dependent claims 18-24, and 44-50 are all dependent from either claim 17 or claim 29, these claims are also not anticipated by the disclosure of Davies.

Embodiment 2 - Amended Claim 25

According to the second embodiment of the invention, which is now defined in amended claim 25, a user uses their mobile phone to pay for goods or services purchased remotely or on-line for collection from a retail outlet. In this embodiment a payment data is sent from the customer's communication device (e.g. mobile phone) directly to the central facility and payment approval indication is sent both to the customer's communication device and a receiver processor of a retail outlet so that when a customer presents to the retail outlet the approval code on the customer's phone can be matched with the approval code sent to the retail outlet. Data for the completed transaction is then sent to a retail processor to enable the retail processor to match the completed transactions with payments approved by the central facility.

Claim 25 has been amended to clarify that there is a transaction that takes place between a customer and the central facility, resulting in an approval code being sent to both the customer's communication device and the receiver processor of a retail outlet where the customer can collect their purchase, and that the approval codes are matched to complete the transaction.

Independent claim 25 defines the invention as:

A payment transaction system comprising:

a central facility having a payment approval processor and a transaction payment database, the transaction payment database maintaining accounts relating to respective consumers, and the payment approval processor being adapted to interrogate the database and determine whether a payment is to be approved based on the status of the consumers account, as maintained in the database,

at least one receiver processor located at a retail outlet, the receiver processor including a store back office server having a payment application processor, a store database and an EPOS terminal;

a first communication link for data communication between the central facility and each receiver processor;

a retail processor including a payment database; and

a second communication link for connecting the store back office server with the retailer processor,

wherein in response to the central facility receiving payment data ***directly*** *from a communication device belonging to a consumer, the payment approval processor interrogates the database and determines whether a payment is to be approved for the consumer and if payment is to be approved, transmits an approval code back to the communication device and transmits an approval signal including the approval code to at least one receiver processor via the first communication link;*

the at least one receiver processor receiving the approval signal storing the approval payment details including the approval code in the store database and the payment application processor providing the approval code to an EPOS terminal so that when the consumer presents at the EPOS terminal to collect goods or services paid for, the approval code transmitted to the user's communication device and the stored approval code at the EPOS terminal are matched to confirm payment; and

the store back office server transmitting the approval payment details to a retail processor via the second communication link to enable completed payment transaction details to be matched to payments approved by the central facility.

Davies

There is no disclosure or teaching in Davies of any application of the system of Davies to remote or on-line purchases. Davies only discloses and teaches of application of the Davies system for point of sale transactions where the customer is physically present. For example, a detailed list of applications for the system of Davies is given in paragraphs 154 to 167 and these all describe transactions where a customer is physically present at the point of sale for the transaction. Thus, there can be no disclosure of the claimed invention by Davies.

There is disclosure in Davies of a customer making a financial transaction directly with a financial institution via internet banking (see paragraphs 92-93) however it is clear that in this embodiment there is no communication of approval data between the Tagboard box or Tagboard server and the financial institution. The approval data is sent to the mobile phone and read from the mobile phone by the Tagboard Box. There is no disclosure or teaching in Davies of a transaction initiated by the user's phone to a central facility causing approval data to be forwarded from the central facility to the Tagboard system. Further it is clear from the description of this internet banking embodiment that the customer is present at the retail outlet and POS terminal, not making a purchase remote from the retail outlet for subsequent collection.

Further, there is no disclosure or suggestion in Davies of requiring a customer to present an approval code received from a central facility for a transaction and have this transaction approval code match an approval code sent to an EPOS terminal at a retail outlet to collect goods or services paid for and complete a purchase transaction and then send data for the completed transaction to a retail processor for matching with payment approval data of the central facility. Davies discloses providing a receipt after completion of a purchase but there is no disclosure or suggestion of a receipt being provided directly from a central facility or requiring the receipt for subsequent presentation and matching for collection of goods. Contrary to the system of the present invention where the approval code is essential for completion of a transaction and subsequent reconciliation of retail outlet transactions and central facility payment approvals, the receipt of Davies is provided on the completion of a transaction for record keeping purposes.

For the foregoing reasons, the invention as claimed in amended claim 25 is distinguishable over Davies.

Dependent claims 26-28 and 37

The invention as further defined by dependent claims 26-28 and 37 is not disclosed or suggested in Davies.

Applicants respectfully submit that the invention as claimed in the amended claims is novel and inventive.

Claim Rejections - 35 USC § 103

Claims 21 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 Al by Davies (Davies), as applied to claim 17 above with respect to claim 21; as applied to claim 25 above with respect to claim 37, and further in view of US Patent No. 5870725 by Bellinger et al. (Bellinger). This rejection is traversed for at least the following reasons.

In framing the rejection, the Examiner asserts that Davies teaches all of the claimed invention but admits that "Davies does not explicitly teach:

"... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor."

The Examiner looks to Bellinger for a teaching of:

"... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor ((Bellinger) in at least Col 2; FIG. 22-23)."

However, Applicants respectfully submit that Bellinger does not remedy the deficiencies of Davies, as already noted.

Thus, these claims would be patentable for the reasons given above for their parent claims.

Claim 44 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 Al by Davies (Davies) as applied to claims 17 and 23 above, and further in view of Official Notice. This rejection is traversed for at least the following reasons.

In framing the rejection, the Examiner asserts that Davies teaches all of the claimed invention but admits that "Davies does not explicitly teach "a modem", but asserts that "the prior art explicitly teaches internet communication with respect to payment data. Official notice is taken that it is old and well known in the art of computer technology to utilize a known technique to improve similar devices (methods, or products) in the same way."

This claim would be patentable for the reasons given for its parent claim.

Claims 51-54 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 Al by Davies (Davies). This rejection is traversed for at least the following reasons.

Second Embodiment - Amended Claim 51

Independent claim 51, which also is directed to the second embodiment, defines the invention as:

A payment transaction method comprising:

a. receiving payment data from a communication device belonging to a consumer ***directly*** *by a central facility having a payment approval processor and a transaction payment database wherein accounts relating to respective consumers are maintained;*

b. interrogating the transaction payment database by the payment approval processor;

c. determining by the payment approval processor whether the payment is to be approved based on the status of the consumer's account, as maintained in the database;

d. transmitting an approval code ***directly*** *back to the communication device by the central facility, and if payment is approved;*

e. providing the approval code by the central facility directly to a receiver processor located at a retail outlet, the receiver processor including an EPOS terminal, a store back office server having a payment application processor and a store database;

f. receiving the approval code by the payment application processor of the receiver processor via a first communication link for connecting the central facility with the receiver processor;

g. storing approved payment data and approval code in the store database;

h. providing the approval code to the EPOS terminal by the payment application processor when the consumer presents to collect goods or services paid for;

i. matching the approval code transmitted to the user's communication device and the stored approval code by the EPOS terminal to confirm payment; and

j. matching confirmed payments and stored payment transaction details with payment approval data of the central facility by a retailer processor including a payment database for receiving the store back office server approval payment details.

The claim has limitations directed to features of the second embodiment of the invention, as detailed above with regard to claim 25, that clearly distinguish over the prior art. Thus, for the reasons given for claim 25, the invention as defined by claim 51 also would be patentable.

Claims 52-54

These claims would be patentable for the reasons given for parent claim 51.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Alan J. Kasper/

Alan J. Kasper
Registration No. 25,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: March 9, 2011